REMARKS

I. Rejections under 35 U.S.C. §112.

The Office Action states that Claims 1 through 35 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 3 through 35 are pending in this case.

The Office Action states that: "(i)t does not appear accurate that the partition is part of the reel." The rejection is not understood. As shown in Figure 2, the partition may be a ring **8** (specification, page 5, line 7). Ring **8** is part of the reel according to a preferred embodiment as shown by Figure 2. The Office Action fails to point out the section of the specification that forms the basis for the rejection. However, the specification clearly indicates that the partition formed by ring **8** is part of the reel, as shown in Figure 2.

The second basis for the rejection under 35 U.S.C. §112, second paragraph, states that "(i)t does not appear accurate that the core is a "solid core" since it is hollow." The core is defined by the specification to be a portion of the reel that is inside the ring **8** that is formed by the flowable material. As shown in Figure 2, the core **6** is present between ring **8** and second ring **14**. The core is formed by filling the area between the first ring and the second ring with a flowable material, such as polyurethane. The polyurethane hardens and becomes solid. Therefore, the core, that is, the area between first ring **8** and second ring **14**, is a core that becomes solid, or, in other words, a solid core. In the embodiment shown in Figure 2, the portion of the reel between second ring **14** and the center of the reel is a hollow area, but it is not part of the core. In an embodiment of the invention in which a second ring is not used, the area inside of ring **8** may be filled with flowable material that hardens to become solid, in which case, the solid core that extends to the center of the reel. However, in the preferred embodiment shown in the drawing figures, the core is formed by two concentric partitions or

rings, and the core does not extend to the center. In that embodiment, the solid core borders on a central hollow area of the reel that is concentric with, but not part of, the solid core.

II. Rejections under 35 U.S.C. §102 and §103.

Claims 3 through 6, 21 through 25, 28, and 35 are rejected under 35 U.S.C. §102(b) as being anticipated by Tucker, Jr. , U.S. Patent No. 2,990,133. Tucker, Jr. is directed to a one piece molded spool. It is the Examiner's position that it is "deemed inherent that a partition (including inner and other rings) was present at least during the molding to mold the core 2." Independent Claims 3 and 22, as amended, are distinguished from Tucker, Jr. in at least the following particulars:

(1) Claims 3 and 22 are directed to a reel comprising a partition. While Tucker, Jr. may have used a mold as a partition as part of the manufacturing *process*, it cannot be said that the reel of Tucker, Jr. comprises a partition. None of the drawing figures, nor the specification teach or disclose a reel comprising a partition. It is respectfully submitted that a rejection under 35 U.S.C. §102(b) for lack of novelty requires that a single reference recite all of the limitations of the claims. Tucker, Jr. does not teach or disclose a *reel comprising a partition*.

(2) Claims 3 and 22, as amended, require a first sidewall and a second sidewall formed of a material other than the flowable material of which the core formed. Since Tucker, Jr. is directed to a one piece molded spool, it is inherent that the sidewalls and the core of Tucker, Jr. are formed of the same material.

Claims 7 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tucker, Jr. Claims 7 and 26 depend from claims 3 and 22, respectively. Claims 7 and 26 require a partition formed of paper. It is the position of the Office Action that the "use of paper as a partition is old and well known and Official Notice is hereby taken of such..." The Office

Action fails to recite any reference showing the use of a partition in reels generally, or the use of a partition into which a flowable material is placed that solidifies to form a solid core, specifically. Since no prior art reference is recited that shows a partition for containing a flowable material for forming a core, where the partition is formed of paper, it is respectfully submitted that the Office Action fails to set forth a *prima facie* obviousness rejection under 35 U.S.C. §103(a).

Tucker, Jr. is directed to a one piece molded spool. Tucker, Jr. does not teach or disclose the use of a partition, or a reel comprising a partition. The Examiner fails to explain, because it cannot be explained, why it would be obvious to one skilled in the art to use any partition in view of the teachings of Tucker, Jr., or to use a partition formed of paper. More specifically, the Examiner fails to explain why it would be obvious in view of the reference to use a partition formed of paper into which a flowable material is transported. Tucker, Jr. is directed to a *one piece* molded spool, and it is respectfully submitted that, in view of the teachings of this reference: 1) the entire reel must be formed of the same material; and 2) paper cannot be molded into a reel. There is no teaching or suggestion in Tucker, Jr. to use a reel comprising a partition generally, or a reel comprising a paper partition, especially given Tucker, Jr's teachings with regard to a one piece molded spool.

Claims 3 through 6, 21 through 25, 28 and 35 stand rejected under 35 U.S.C §102(b) as being anticipated by Wilson, Jr., U.S. Patent No. 3,322,373. The Office Action states "Note at least partitions 30 and 31". No other basis for the rejection is given. The Office Action fails to disclose how each of the limitations of the provisionally rejected claims are met by Wilson, Jr.

The sidewalls of Wilson, Jr and the inner tube **30** and larger outer tube **31** include a foamed plastic **23** which acts as a stiffening core and a radial support between the tubes. Wilson, Jr states "(t)his material (23) is inserted between the plates prior to their being telescoped together, and after being assembled with the plates, the plates are sealed at the

juncture of their telescoping lips by a suitable treatment of the resin which forms them." Column 2, lines 9-13. Independent Claims 3 and 22 of the present invention require that the "flowable material sets and adheres to said first sidewall and to said second sidewall and connects said first sidewall to said second sidewall." It is very clear from reading Wilson, Jr. that the foam plastic material that is present in the barrel **10** does not adhere the first sidewall to the second sidewall. Rather, the device is assembled by mechanical connection of the parts. Wilson Jr, indicates that "a substantial welding of the parts may be had and likewise by suitable solvents and adhesives." Column 2, lines 44 to 47. The sidewalls are not adhered to the barrel by the foam plastic that is present in the tubes 30, 31. See generally Column 1 line 60, Column 2, line 48 of Wilson, Jr.

Claims 14 through 17, 19 and 20, and 32 through 34 stand rejected under 35 U.S.C. 103(a) reciting Wilson, Jr., U.S. Patent No. 3,322,373, in view of O'Connor, et al., U.S. Patent No, 4,253,570. It is the position of the Office Action that O'Connor, et al. discloses a polyurethane foam as a flowable material. It is respectfully submitted that the use of polyurethane foam by O'Connor, et al. adds nothing to the teachings of Wilson, Jr. O'Connor et al. recite the use of a "cured plastic foam **100** which occupies the entire interior of the spool, although other reinforcing means may be employed as well." As with Wilson, Jr., the reinforcing foam is not used to set or adhere to form a solid core, or to adhere to a first sidewall and second sidewall to connect the first sidewall to the second sidewall by means of the core. The cured plastic foam is simply provided as reinforcement for the hollow spool. The combination of Wilson, Jr. and O'Connor, et al. fail to meet the limitations of Independent Claims 3 and 22, or their dependent claims, including Claims 14 through 17, 19 and 20, and 32 through 34.

Claims 8 through 13, 27, and 29 through 31 stand rejected under 35 U.S.C. §103(a), reciting Wilson, Jr. It is the position of the Office Action that "corrugated paper, wood or

styrofoam....are well known and readily available," and could be used to "reduce costs". The motivation for the present invention is *not* cost reduction of sidewall materials. The present invention reduces transportation costs of reels by providing a reel that may be assembled at the time that the wound product is to be packaged upon the reel. In other words, the components may be shipped to a plant that manufactures ribbon or hose, or other product to be wound on a reel, with the components disassembed, which reduces shipping costs. The components are assembled later as needed. "Just in time" assembly is made possible by the flowable material that adheres to the sidewalls, Therefore, the motiviation cited by the Examiner in the Office Action for using materials, such as corrugated paper, wood or styrofoam, is not the motivation in the present invention, and the cost of the sidewall materials is not the motivation for use of the sidewall materials or the flowable material. These materials are chosen by the inventor since they are materials to which the flowable material will adhere. There is no teaching in the reference which suggests materials that are suitable for adhesion to a flowable material.

As stated above, Wilson, Jr. fails to meet the limitations of the claims. Wilson, Jr. cites sidewalls and a center tube or barrel 10 that are formed of the same materials, and not a barrel formed of a flowable material on one hand, with the sidewalls being formed of another material, such as styrofoam, corrugated paper or wood. There is no teaching or suggestion to use other materials or to connect the sidewalls by means of the core, by a flowable material that adheres to the sidewalls.

III. Drawings.

The drawings are objected to in view of Claims 9 through 13. Claims 9 through 13 are dependent claims. Claims 9 through 11 require the first side wall to be formed of corrugated material or corrugated paper. Claim 12 requires the first sidewall to be formed of wood. Claim 13 requires the first sidewall to be formed of styrofoam.

While the basis of the objection is not clear, it is presumed that the objection contends that the drawing figures do not show sidewalls formed of corrugated material or paper (Claims 9 through 11), wood (Claim 12) or styrofoam (Claim 13). It is respectfully submitted that the styrofoam or wood sidewalls would not have a different appearance from that shown in Figure 1 or Figure 2. Accordingly, the sidewalls shown in Figure 1 and Figure 2 support Claims 12 and 13, and are accurately depicted. However, Figure 3 is added by way of amendment to show the corrugated structure as recited in Claims 9 through 11. The specification is amended to reference the sidewalls as claimed, and to reference new drawing Figure 3

Reconsideration and allowance of Claims 3-35 is requested at the earliest possible date.

Respectfully submitted,

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